

DECLARATION

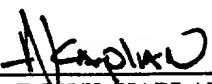
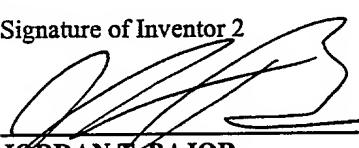
As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS AND APPARATUS FOR PERICARDIAL ACCESS** the specification of which X is attached hereto or ___ was filed on _____ as Application No. _____ and was amended on _____ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

| | | | | |
|--------------------------|---|---|---|------------------------------|
| Full Name of Inventor 1: | Last Name: KAPLAN | First Name: AARON | Middle Name or Initial: V. | |
| Residence & Citizenship: | City: Los Altos | State/Foreign Country: California | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 851 Carnation Court | City: Los Altos | State/Country: California | Postal Code: 94024 |
| Full Name of Inventor 2: | Last Name: BAJOR | First Name: JORDAN | Middle Name or Initial: T. | |
| Residence & Citizenship: | City: Palo Alto | State/Foreign Country: California | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 1183 Lincoln Avenue | City: Palo Alto | State/Country: California | Postal Code: 94301 |
| Full Name of Inventor 3: | Last Name: MANOUKIAN | First Name: NUBAR | Middle Name or Initial: S. | |
| Residence & Citizenship: | City: Cupertino | State/Foreign Country: California | Country of Citizenship: United States | |
| Post Office Address: | Post Office Address: 10318 Brittany Court | City: Cupertino | State/Country: California | Postal Code: 95014 |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| Signature of Inventor 1 | Signature of Inventor 2 | Signature of Inventor 3 |
|--|--|---|
|  _____ AARON V. KAPLAN |  _____ JORDAN T. BAJOR |  _____ NUBAR S. MANOUKIAN |
| Date <u>13 Sept 99</u> | Date <u>September 13, 1999</u> | Date <u>SEPT. 13, 1999</u> |

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, JORDAN T. BAJOR, of 1183 Lincoln Avenue, Palo Alto, California 94301, and NUBAR S. MANOUKIAN, of 10318 Brittany Court, Cupertino, California 95014, who together with AARON V. KAPLAN, of 851 Carnation Court, Los Altos, California 94024, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

| | |
|--------------------------------------|---|
| Title of Invention: | METHODS AND APPARATUS FOR PERICARDIAL ACCESS |
| Date(s) of execution of Declaration: | <u>September 13, 1999</u> |
| Filing Date: | Herewith |
| Application No.: | Unassigned; and |

WHEREAS, AARON V. KAPLAN, M.D., located at 851 Carnation Court, Los Altos, California, 94024, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

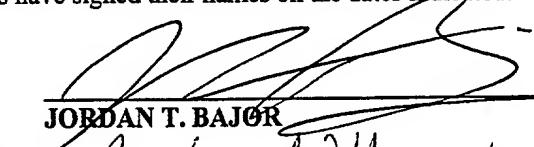
For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, California 94111-3834, to insert herein above the application number and filing date of said application when known.

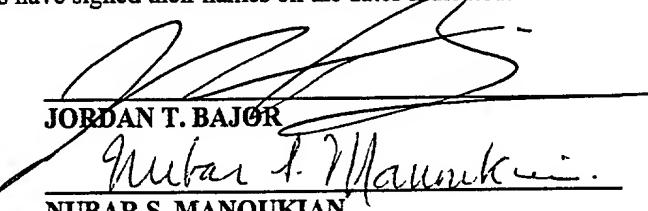
IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Date September 13, 1999



JORDAN T. BAJOR

Date SEP. 13, 1999



NUBAR S. MANOUKIAN

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(b)) - INDEPENDENT INVENTOR**

Applicant or Patentee:
Application or Patent No.:
Filed or Issued:
Title:

AARON V. KAPLAN et al.

Unassigned

Herewith

METHODS AND APPARATUS FOR PERICARDIAL ACCESS

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office regarding the invention entitled METHODS AND APPARATUS FOR PERICARDIAL ACCESS described in:

- the specification filed herewith;
 Application No. _____, filed _____;
 Patent No. _____, issued _____.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below.*

- No such person, concern or organization.
 Persons, concerns or organizations listed below.*

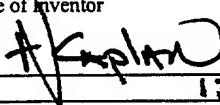
*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name:
Address:

Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

| | | |
|---|-----------|--|
| Name of Inventor | | |
| AARON V. KAPLAN | | |
| Signature of Inventor | | |
|  | | |
| Date | 13 Sep 99 | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
POWER OF ATTORNEY

Docket No.

KAP 101

Name of Applicant: **Aaron V. Kaplan, M.D.**
Address of Applicant: **851 Carnation Court**
Los Altos, CA 94024 USA

Title: **METHODS AND APPARATUS FOR PERICARDIAL ACCESS**

Serial No., if Any: **09/397,392**
Filed: **September 16, 1999**

TO THE ASSISTANT COMMISSIONER FOR PATENTS

The Assistant Commissioner for Patents
Washington, D.C. 20231

Honorable Sir:

I hereby appoint:

John L. Alex, Reg. No. 22,017; Joel H. Bock, Reg. No. 29,045;
Granger Cook, Jr., Reg. No. 18,283; Eugene M. Cummings, Reg. No. 24,398;
Stephen B. Heller, Reg. No. 30,181; Edward M. Keating, Reg. No. 20,646;
Andrew G. Kolomayets, Reg. No. 33,723; David Lesht, Reg. No. 30,472;
Fred S. Lockwood, Reg. No. 14,772; Daniel C. McEachran, Reg. No. 19,804;
Gary W. McFarron, Reg. No. 27,357; Michael J. McGee, Reg. No. 43,789;
William H. Magidson, Reg. No. 19,902; Edward D. Manzo, Reg. No. 28,139;
Raymond M. Mehler, Reg. No. 26,306; David M. Mundt, Reg. No. 41,207;
Mark J. Murphy, Reg. No. 34,225; Daniel M. Riess, Reg. No. 24,375

as principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all future correspondence to:

By:

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& Mehler, Ltd.
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Chicago, IL 60606
(312) 236-8500

Dated: 15 July 01